

REMARKS

Per a telephone conversation with the Examiner on November 1, 2006, the office action dated May 1, 2006 was issued in error as it does not correspond to the present application. More specifically, the Office Action of May 1, 2006 is incorrect in view of the following:

1) The Office Action Summary indicates that claims 1-13 are pending and that claims 8-13 are withdrawn. The present application as filed includes claims 1-19 and no restriction requirement was ever issued and no election of claims was ever made.

2) Page 2 of the Office Action indicates that a request for continued examination was filed in this application. However, no request for continued examination was ever filed in this application.

3) The pending claims are directed to a process for preparing a whey protein-stabilized fatty emulsion and foodstuffs prepared with whey protein-stabilized fatty emulsions. None of the references cited have anything to do with protein-stabilized fatty emulsion and would not even provide a prima facie case obviousness in regard to the pending claims.

Applicants respectfully request issuance of an allowance or a supplemental non-final action.

Respectfully submitted,
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